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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

EDUARDO MURRILLO,

Defendant and Appellant.

D052908

(Super. Ct. No. SCD210485)

APPEAL from a judgment of the Superior Court of San Diego County, Jeffrey F. Fraser, Judge. Affirmed.

Eduardo Murrillo entered a negotiated guilty plea to first degree robbery (Pen. Code,¹ §§ 211, 212.5, subd (a), 213, subd. (a)(1)(A)) with personal firearm use (§§ 12022.5, subd. (a), 12022.53, subd. (b)). The court stayed the section 12022.5, subdivision (a) enhancement and sentenced him to 13 years in prison: the three-year

¹ All further statutory references are to the Penal Code.

lower term for robbery and 10 years for the section 12022.53, subdivision (b) enhancement.² Murrillo appeals. We affirm.

BACKGROUND

Murrillo and a companion went to the victim's home with a gun. They bound and tied the victim and took his money. Murrillo threatened the victim with the gun.

DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel lists, as possible but not arguable issues, (1) the applicability of the section 12022.53, subdivision (b) mandatory 10-year enhancement for firearm use in the commission of certain enumerated felonies as opposed to the section 12022.5, subdivision (a) lesser three, four, or 10-year enhancement for firearm use in the commission of any felony; (2) the effect of the lack of a defense objection to the absence of a statement of reasons for consecutive sentences; (3) the correctness of the presentence custody credits calculation; and (4) the denial of the *Marsden* motion (*People v. Marsden* (1970) 2 Cal.3d 118) for new appointed counsel and whether such an issue can be raised after a guilty plea.

² Murrillo was sentenced in another case at the same time he was sentenced in this case. Two of the terms in the other case were made consecutive to the sentence here. The offenses underlying those two terms occurred before the offenses in this case and are unrelated to the offenses here.

We granted Murrillo permission to file a brief on his own behalf. He has not responded. A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues listed pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issues. Murrillo has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

HALLER, Acting P. J.

WE CONCUR:

O'ROURKE, J.

AARON, J.